IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 181 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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COMMISSIONER ON INCOME TAX

Versus

EXEL GRAPHICS PVT LTD

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Appearance:

1. INCOME TAX REFERENCE No. 181 of 1986

MR MANISH R BHATT for Petitioner No. 1

MR MANISH SHAH for MR JP SHAH for Respondent No. 1

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CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 24/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

1. At the instance of the revenue, the following question has been referred to this Court for its opinion under the provisions of Sections 256(1) of the Income Tax Act, 1961 (hereinafter referred to as "the Act") by the Income Tax Appellate Tribunal, Ahmedabad Bench `A'.

"Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the Commissioner of Income Tax had no jurisdiction under Section 263 of the I.T. Act, 1961 to revise the assessment order passed by the I.T.O.?"

2. We have heard learned advocate Shri Bharat Naik appearing for the revenue, and learned advocate Shri Manish Shah for Shri J.P.Shah for the respondent-assessee.

3. At the time of hearing of this application it has been submitted by the learned advocates that the question referred to this Court has already been answered by the Honourable Supreme Court in Case of C.I.T. v. Arbuda Mills Ltd., 231 ITR 50. Looking to the law laid down in the said judgment, we answer the question in the negative i.e., in favour of the revenue and against the assessee.

The reference stands disposed of accordingly with no order as to costs.

24.7.2001. (A.R. Dave, J.)

(D.A. Mehta, J.)

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